

1 Claims 18, 28, and 39 stand rejected under 35 U.S.C. § 103(a) as being
2 unpatentable over Cobb in view of AAPA, Stockwell, Sakaguchi and Paul.

3 Claims 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable
4 over Sakaguchi in view of AAPA, Paul, and Stockwell.

5 Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
6 over Sakaguchi in view of AAPA, Paul, Stockwell, and Guck.

7 Claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
8 over Cobb in view of AAPA, Paul, and Sakaguchi.

9 Claims 43-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable
10 over Cobb in view of AAPA, Sakaguchi, Paul, and U.S. Patent No. 6,144,934
11 Stockwell.

12 Claim 46 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
13 over Cobb in view of AAPA, Paul, Sakaguchi, Stockwell '934, and Mullan.

14 Claim 47 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
15 over Cobb in view of AAPA, Paul, Sakaguchi, Stockwell '934 in further view of
16 Stockwell '942.

17 Claim 48 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
18 over Paul in view of AAPA.

19 Claim 49 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
20 over Paul in view of AAPA, Sakaguchi and Stockwell '942.

21 Claim 50 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
22 over Paul in view of AAPA and Cobb.

23 Claim 51 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
24 over Paul in view of AAPA, Sakaguchi, and Mullan.
25

1 Claim 52 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
2 over Paul in view of AAPA and Guck.

3 Claims 53-57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable
4 over Paul in view of Cobb.

5 Claim 58 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
6 over Paul in view of Cobb and Mullan.

7 Claims 59 and 60 stand rejected under 35 U.S.C. § 103(a) as being
8 unpatentable over Paul in view of Cobb and Stockwell.

9 Claims 61-63 stand rejected under 35 U.S.C. § 103(a) as being unpatentable
10 over Paul in view of Cobb and Sakaguchi.

11 Claims 64-67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable
12 over Cobb in view of Paul, Stockwell '942 and Sakaguchi.

13 Claim 68 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
14 over Cobb in view of Paul, Stockwell '942, Sakaguchi, and Mullan.

15 Claim 69 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
16 over Cobb in view of Paul, Stockwell '942, Sakaguchi, and Guck.

17 Claim 70 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
18 over Cobb in view of Paul, Stockwell '942, Sakaguchi, and Paul.

19
20 **The §103 Standard**

21 In making out a §103 rejection, the Federal Circuit has stated that when one
22 or more reference or source of prior art is required in establishing obviousness, "it
23 is necessary to ascertain whether the prior art *teachings* would appear to be
24 sufficient to one of ordinary skill in the art to suggest making the claimed
25 substitutions or other modification." *In re Fine*, 5 USPQ 2d, 1596, 1598 (Fed. Cir.

1 1988). That is, to make out a *prima facie* case of obviousness, the references must
2 be examined to ascertain whether the combined *teachings* render the claimed
3 subject matter obvious. *In re Wood*, 202 USPQ 171, 174 (C.C.P.A. 1979).

4 Moreover, there is a requirement that there must be some reason,
5 suggestion, or motivation *from the prior art*, as a whole, for the person of ordinary
6 skill to have combined or modified the references. *See, In re Geiger*, 2 USPQ 2d
7 1276, 1278 (Fed. Cir. 1987). Additionally, *particular findings* must be made as to
8 the reason the skilled artisan, with no knowledge of the claimed invention, would
9 have selected these components for combination in the manner claimed. *See, e.g.,*
10 *In Re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

11 It is impermissible to use the claimed invention as an instruction manual or
12 “template” to piece together the teachings of the prior art so that the claimed
13 invention is rendered obvious. One cannot use hindsight reconstruction to pick
14 and choose among isolated disclosures in the prior art to deprecate the claimed
15 invention. *In re Fritch*, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992).

16 A factor cutting against a finding of motivation to combine or modify the
17 prior art is when the prior art *teaches away* from the claimed combination. A
18 reference is said to teach away when a person of ordinary skill, upon reading the
19 reference, would be led in a direction divergent from the path that the applicant
20 took. *In re Gurley*, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994).

21 In order for a *prima facie* case of obviousness to be made, the resulting
22 combination or motivation must appear to show or suggest the claimed invention.
23 *In re Nielson*, 2 USPQ 2d 1525, 1528 (Fed. Cir. 1987).

1 In view of the standard for establishing a *prima facie* case of obviousness,
2 Applicant respectfully disagrees with the Office's rejections of the present claims
3 and submits that the Office has not established a *prima facie* case of obviousness.
4

5 **The Primary References to Paul, Cobb and Sakaguchi**

6 The reference to **Paul** discloses a system for eliminating unsolicited
7 electronic mail that generates and stores a user inclusion list including
8 identification data for identifying e-mail desired by the user. An e-mail filter
9 filters incoming mail received in the user's e-mail store based upon three fields of
10 data contained in the incoming e-mail, the "FROM" field, the "TO" field and the
11 "SUBJECT" field. Filtering may also include the "CC" and "BCC" fields to filter
12 e-mail messages on which the user is listed as a CC or BCC recipient rather than a
13 direct recipient.

14 Data from one or more fields of incoming electronic mail messages are
15 compared with the identification data stored in the user inclusion list. If the
16 electronic mail message data matches corresponding identification data from the
17 user inclusion list, the e-mail message is marked with a first display code, such as
18 "OK." If no match is detected, the system performs at least one heuristic process
19 to determine whether the electronic mail message may be of interest to the user. If
20 the message satisfies one or more criteria as determined by the heuristic process
21 and is therefore of potential interest to the user, the message is marked with a
22 second display code, such as "NEW." If the e-mail message does not satisfy any
23 of the heuristic criteria, the e-mail message may be marked with a third display
24 code, such as "JUNK." The processed e-mail messages are displayed to the user
25

1 in a display mode corresponding to the display codes respectively assigned to the
2 messages.

3 The **Cobb** reference discloses a system and method for filtering unsolicited
4 electronic commercial messages. The disclosed system screens out unsolicited
5 commercial messages by receiving the message from a sender, sending a challenge
6 back to the sender, receiving a response to the challenge, and determining if the
7 response is a proper response.

8 The **Sakaguchi** reference discloses a system that can generate
9 determination conditions and determine whether email is junk email based on one
10 determination condition. The system comprises a junk electronic mail
11 determination processing section for determining whether or not a given electronic
12 mail piece, through an input section, is junk based on the determination condition
13 stored in a junk electronic mail determination condition storage section. An
14 estimated junk electronic mail storage section stores the electronic mail piece if
15 the electronic mail piece is determined to be junk. A junk electronic mail
16 exemplification learning section analyzes content information of the electronic
17 mail piece stored in the storage section and extracts a feature amount to determine
18 that electronic mail is junk, and adds the extracted feature amount to the junk
19 electronic mail determination condition storage section as a junk electronic mail
20 determination condition. A keyword vector is used as the determination condition.

21 22 **The Secondary References**

23 The secondary references used in the Office's combination, and which are
24 not discussed above, are the references to Stockwell (Patent Nos. 6,072,942 and
25 6,144,934), Mullan, and Guck.

1 The reference to **Stockwell (the '942 patent)** discloses a system and
2 method for filtering electronic mail messages. A message is received and
3 processed through one or more filter flows. Each filter flow is comprised of one
4 or more self-contained nodes which can be combined in whatever order is required
5 to enforce a given security policy. Node independence provides a policy-neutral
6 environment for constructing filter flows. A filter flow may be as simple as
7 forwarding the mail to the intended recipient, or may perform one or more checks
8 where it decides whether to forward, reject, return (or some combination thereof)
9 the message. Certain node types are also able to append information on to a mail
10 message, while others are able to modify certain parts of a mail message. Several
11 of the node types are able to generate audit or log messages in concert with
12 processing a mail message.

13 The reference to **Stockwell (the '934 patent)** discloses an electronic
14 message filtering system and method in which a message is received as input to a
15 filter and decomposed into a set of components. The set of components is then
16 processed through a pattern matching algorithm to determine if the message
17 contents contain patterns inherent in a specified pattern, such as a natural
18 language. The results of the pattern match analysis are output by the filter.

19 The reference to **Mullan** discloses a method and apparatus for routing a
20 message embodied in a signal received by an electronic messaging system. The
21 method includes formatting a search key using address codes parsed from a user
22 address specified in the message, where each of the address codes corresponds to a
23 different level of specificity for the user address. An attempt is made to retrieve a
24 record from a database of routing information using the search key. If no record is
25 found, the address code corresponding to the most detailed level of specificity in

1 the user address is stripped from the search key and another attempt is made to
2 retrieve a record. This process continues until a record is successfully retrieved
3 from the database or a predetermined base level of specificity is reached.

4 The reference to **Guck** discloses a network providing a server using an
5 object-database that enables an author to create and store an original document, as
6 a source file with a first format. Software in the data base provides multiple sets
7 of shadow file-converter groups connected to the source file of the original
8 document. Each shadow file-converter set enables the transformation of the
9 original source file format into a particular other specific type of format. A client
10 or user of the network can access and receive a copy of the original source
11 document which is automatically reformatted to match the requirements of the
12 receiver's appliance. Thus, one original source document can be created and then
13 published in any specific format to multiple numbers of and types of receiving
14 appliances.

15 16 Claims 1-11

17 **Claim 1** recites an email filtering method comprising [emphasis added]:

- 18
- 19 • defining at least one heuristic that determines whether an
20 incoming email message likely constitutes unsolicited
21 commercial email by considering an established pattern that such
22 unsolicited commercial email typically exhibits when it is sent;
 - 23 • applying said at least one heuristic to at least one email message
24 that is received by a web server that comprises part of a web-
25 based email system in which, for at least some users of the
system, a client user interface email environment is generated
through use of HTML or web pages; and
 - redirecting said at least one email message if application of said
at least one heuristic indicates that said at least one email
message likely constitutes unsolicited commercial email,

- wherein said redirecting comprises *placing a copy of the email message at a location not dedicated to storage of just one particular user's email.*

In making out the rejection of this claim, the Office argues that Paul discloses placing a copy of the email message at a location not dedicated to storage of just one particular user's email. Applicant respectfully but strongly disagrees and traverses the Office's rejection.

In support of its position, the Office cites to column 7, lines 15-25, 36-50, and column 7, lines 63 through column 8, line 4, all of which is reproduced below:

The operation of the components of the e-mail server 301 shown in FIG. 3 is similar to the corresponding components in the user terminal system of FIG. 1. All e-mail received by server 301 is stored in e-mail store 306. The e-mail filter 304 filters the stored e-mail messages in accordance with the information stored in the inclusion list processor 302. E-mail addressed to each user A, B, C, and D is separately filtered using the inclusion list stored in inclusion list processor 302 for each user respectively. Once the e-mail stored in store 306 is processed by e-mail filter 304, *the filtered e-mail is then forwarded to each user's terminal.*

... If no match is detected, the e-mail filter 304 performs at least one type of heuristic processing to determine whether the e-mail may be of interest to the user, and, if not, *labels the e-mail message accordingly, for example, as "JUNK."*

In the preferred server embodiment shown in FIG. 3, the e-mail filter 304 interacts with the e-mail message store 306 that processes the e-mail and performs other known functions for a multiplicity of e-mail addresses or accounts. In the preferred embodiment, the e-mail store 306 is an improved e-mail server message store that stores additional information about the category of each e-mail message. In an alternative preferred embodiment, the status of e-mail messages is handled in a separate database (not shown) outside the message store 306.

1 . . . FIG. 3A illustrates an alternative preferred embodiment in which
2 the e-mail filter receives and filters incoming e-mail messages
3 *before they are stored in e-mail store 306*. This embodiment may be
4 implemented using a known message communications means, such
5 as MAPI or an Internet mail protocol such as POP3, IMAP or
6 SMTP. This embodiment has the advantage of reducing the data
7 traffic flow on a communications link by filtering out unsolicited e-
8 mail before it is stored at the user site.

9 As the excerpt demonstrates, Paul discloses marking e-mail that does not
10 satisfy any of the heuristic criteria with a display code, such as "JUNK", and then
11 forwarding the e-mail to *each user's* terminal. The Office recognizes this when it
12 cites to the *exact same excerpt* of Paul on page 34 of the Office Action and states,
13 in relation to claim 43, "Paul teaches email messages saved to dedicated user
14 storage locations."

15 Paul also discloses an embodiment wherein incoming e-mail messages are
16 filtered before they are stored. Presumably, in this embodiment, the e-mail
17 messages that do not satisfy any of the heuristic criteria are deleted and therefore
18 inaccessible to the recipients. Nowhere does Paul disclose or suggest a method of
19 redirecting at least one email message wherein redirecting comprises *placing a*
20 *copy of the email message at a location not dedicated to storage of just one*
21 *particular user's email*. In fact, Paul *teaches directly away* from Applicant's
22 claimed redirection feature. Moreover, Cobb does not supply the missing feature.
23 Cobb discloses redirection of email; but given the failure of Paul to teach what the
24 Office argues it does, Cobb adds nothing of significance.

25 Accordingly, the Office has not established a *prima facie* case of
obviousness, and this claim is allowable.

1 **Claims 2-11** depend either directly or indirectly from claim 1 and are
2 allowable as depending from an allowable base claim. These claims are also
3 allowable for their own recited features which, in combination with those recited
4 in claim 1, are neither disclosed nor taught by the references of record, either
5 singly or in combination with one another.

6 For example, **claim 2** depends from claim 1 recites the act of redirecting
7 comprises placing a copy of the email message at a *single location from which it*
8 *can be accessed by more than one intended recipient* of the email message. The
9 Office argues that Cobb teaches this additional feature and cites to column 3, lines
10 36-38, in support of its position. That excerpt is reproduced below:

11 The *user terminal* software system of Fig. 1 further includes an e-
12 mail storage database 106 that receives and stores incoming e-mail
13 and stores records of outgoing e-mail.

14 In this excerpt, Cobb refers to a location accessible by *only* the intended
15 recipient. As such, Cobb *teaches directly away* from Applicant's claimed feature.
16 For at least this reason, claim 2 is allowable.

17 **Claim 10** provides another illustrative example. Claim 10 recites that the
18 act of redirecting comprises redirecting at least one email message to a location
19 that can be *shared by a plurality of intended recipients*. This claim further recites
20 notifying intended recipients of the email message that an email message intended
21 for them has been redirected to the location. The Office argues that Sakaguchi
22 discloses redirecting at least one email message to a location that can be shared by
23 a plurality of intended recipients. The Office cites to column 8, lines 31-34, which
24 is reproduced below:
25

1 . . . a method of sorting electronic mail into estimated junk electronic
2 mail and estimated non-junk electronic mail and adding them to their
3 respective storage units (not shown) . . .

4 There is nothing in this excerpt, or anywhere else in Sakaguchi to indicate
5 that email is redirected to a location that can be *shared by a plurality of intended*
6 *recipients*. For at least this reason, claim 10 is allowable.

7 In addition, with respect to those claims that are rejected in further view of
8 Mullan and Stockwell '942 those references are not seen to add anything of
9 significance given the Office's failure to establish a *prima facie* case of
10 obviousness with respect to claim 1.

11 Claims 12-18

12 **Claim 12** recites an email filtering method comprising [emphasis added]:

- 13 • receiving an email message at an email server that maintains
14 inboxes for individual recipients, wherein the email message is
15 addressed to a plurality of recipients, the email server comprising
16 part of an Internet-based email system in which, for at least some
17 users of the system, a client user interface email environment is
18 generated through use of HTML or web pages;
- 19 • calculating a score for the email message at the server location
20 based upon at least one of (a) the size of the email message, and
21 (b) the number of specified recipient addresses;
- 22 • comparing the score with a threshold value that defines a
23 likelihood of whether an email message constitutes an unwanted
24 email message;
- 25 • responsive to the email message exceeding the threshold value,
26 *placing a copy of the email message at a first location other*
27 *than an individual storage location dedicated to an individual*
28 *intended recipient of the email message*; and
- 29 • sending a notification to the intended recipients that a copy of an
30 email message that was intended for them has been placed at the
31 first location.

1 In making out the rejection of this claim, the Office argues that the
2 combination of Cobb, Stockwell, and Sakaguchi teach the recited subject matter
3 except for placing a copy of the email message at a first location other than an
4 individual storage location dedicated to an individual intended recipient of the
5 email message. The Office then argues that Paul teaches the missing feature and
6 cites to the same excerpt that was reproduced above.

7 Applicant respectfully traverses the Office's rejection. Paul in no way
8 teaches or suggests placing a copy of the email message at a first location *other*
9 *than an individual storage location dedicated to an individual intended recipient*
10 *of the email message*. Rather, Paul *teaches directly away* from Applicant's
11 claimed subject matter by marking e-mail with one of several display codes and
12 then forwarding it to *each user's* terminal, an individual storage location
13 *dedicated* to an individual intended recipient of the e-mail message. Accordingly,
14 for at least this reason, this claim is allowable.

15 **Claims 13-18** depend from claim 12 and are allowable as depending from
16 an allowable base claim. These claims are also allowable for their own recited
17 features which, in combination with those recited in claim 12, are neither disclosed
18 nor taught by the references of record, either singly or in combination with one
19 another.

20 In addition, with respect to those claims that are rejected in further view of
21 Mullan and Guck, those references are not seen to add anything of significance
22 given the allowability of this claim.
23
24
25

1 **Claims 19-23**

2 **Claim 19** recites a computer program stored on one or more computer
3 readable media for processing email and comprising the following steps:

- 4
- 5 • receiving an email message at a server location, the email
6 message being addressed to a plurality of recipients, the
7 server location comprising one or more servers that
8 comprise part of an Internet-based email system in which,
9 for at least some users of the system, a client user
10 interface email environment is generated by the system
11 through use of HTML or web pages that are sent via the
12 Internet to client devices and used by a browser executing
13 on a client device to render the user interface email
14 environment;
 - 15 • placing only one copy of the email message *at a first*
16 *storage location that is not a dedicated storage location*
17 *for just one of the intended recipients*; and
 - 18 • notifying each of the intended recipients that an email
19 message intended for them has been placed at the first
20 location.

21 In making out the rejection of this claim, the Office argues that
22 combination of Sakaguchi and Stockwell '942 teach the recited subject matter
23 except for placing only one copy of the email message at a first location that is not
24 a dedicated storage location for just one of the intended recipients. Again, the
25 Office argues that Paul teaches the missing feature and cites to the same excerpt
that was reproduced in the discussion of claim 1.

26 Again, Applicant respectfully traverses the Office's rejection. There is no
27 indication that Paul, or any other reference cited by the Office, places *only one*
28 *copy* of an email message at a first storage location that is *not a dedicated storage*
29 *location for just one of the intended recipients*. Rather, Paul discloses a method
30 in which e-mail is marked with various display codes and then forwarded on to

1 *each user's* terminal. Therefore, Paul appears to forward each e-mail to multiple
2 locations that are *dedicated* storage locations for each of the intended recipients.
3 As such, Paul *teaches directly away* from Applicant's claimed subject matter.
4 Accordingly, for at least this reason, this claim is allowable.

5 **Claims 20-23** depend from claim 19 and are allowable as depending from
6 an allowable base claim. These claims are also allowable for their own recited
7 features which, in combination with those recited in claim 19, are neither disclosed
8 nor taught by the references of record, either singly or in combination with one
9 another.

10 For example, **claim 22** recites that the act of notifying comprises creating a
11 pointer to the first location, and placing the pointer at a plurality of second
12 locations *each of which being dedicated to a different one of the intended*
13 *recipients*, wherein individual recipients can use the pointer to access the email
14 message at the first storage location. The Office appears to argue that Sakaguchi
15 teaches Applicant's notification feature and cites to column 8, lines 22-26 in
16 support thereof. This excerpt is provided below:

17
18 Further, in the embodiment, the determination result of the junk
19 electronic mail determination processing section 2 is also fed into a
20 determination result notification section 12, which enables the user
21 to specify a notification method to the receiving person separately
22 for estimated junk electronic mail and estimated non-junk electronic
23 mail as he or she desires.

24 There is nothing in this excerpt, or anywhere else in Sakaguchi, to
25 suggest creating a pointer to the first location, and placing the pointer at a
plurality of second locations *each of which being dedicated to a different*
one of the intended recipients, wherein individual recipients can use the

1 pointer to access the email message at the first storage location. Instead,
2 Sakaguchi simply discloses storing estimated junk electronic mail and
3 estimated non-junk electronic mail, both directed to a *single recipient*, in
4 different storage units. Moreover, Applicant's notification feature is not
5 taught or suggested by either Paul, Stockwell '942, or Guck. For at least
6 these reasons, claim 22 is allowable. In addition, with respect to those
7 claims that are rejected in further view of Cobb, Mullan and Guck, those
8 references are not seen to add anything of significance given the
9 allowability of claim 19.
10
11

12 Claims 24-33

13 **Claim 24** recites a programmed email server that contains computer-
14 readable instructions which, when executed by the email server, perform the
15 following steps:
16

- 17 • determining whether an email message that is received by the
18 email server likely constitutes an unwanted email message, the
19 email server comprising part of a web-based email system in
20 which, for at least some users of the system, a client user
21 interface email environment is generated through use of HTML
22 or web pages that are sent to client devices; and
- 23 • if the email message likely constitutes an unwanted email
24 message:
- 25 • storing a copy of the email message at a first storage location
*rather than individual storage locations that are dedicated to
individual intended recipients of the email message*; and
- notifying intended recipients of the email message that an email
message addressed to them has been received by the server.

1 In making out the rejection of this claim, the Office argues that
2 combination of Cobb, Stockwell '942, and Sakaguchi teach the recited subject
3 matter except for storing a copy of the email message at a first location rather than
4 individual storage locations that are dedicated to individual intended recipients of
5 the email message. Again, the Office argues that Paul teaches the missing feature
6 and cites to the same excerpt that was reproduced in the discussion of claim 1.

7 Applicant respectfully traverses the Office's rejection. There is no
8 indication that Paul, or any other reference cited by the Office, stores a copy of the
9 email message at a first storage location *rather than individual storage locations*
10 *that are dedicated to individual intended recipients of the email message.*
11 Rather, Paul discloses a method in which e-mail is marked with various display
12 codes and then forwarded on to *each user's* terminal. Therefore, Paul appears to
13 forward each e-mail to multiple locations that are *dedicated* storage locations for
14 each of the intended recipients. As such, Paul *teaches directly away* from
15 Applicant's claimed subject matter. Accordingly, for at least this reason, this claim
16 is allowable.

17 **Claims 25-33** depend from claim 24 either directly or indirectly and are
18 allowable as depending from an allowable base claim. These claims are also
19 allowable for their own recited features which, in combination with those recited
20 in claim 24, are neither disclosed nor taught by the references of record, either
21 singly or in combination with one another.

22 For example, **claim 26** further recites enabling intended recipients, if they
23 so desire, to read the email message at the *first* storage location. The Office, citing
24 column 1, lines 21-23, argues that Sakaguchi teaches this feature. That excerpt
25 from Sakaguchi is reproduced below:

1 Then, to efficiently handle received electronic mail, the
2 receiving person needs to handle electronic mail in response
3 to the electronic mail contents in a different manner such that
4 unnecessary electronic mail is deleted as it is received or that
5 if the receiving person reads the electronic mail, he or she
6 does this when he or she has some free time.

7 Claim 24, from which claim 26 depends, defines Applicant's first storage
8 location as something *other* than individual storage locations that are dedicated to
9 individual intended recipients of the email message. Applicant respectfully
10 submits that there is nothing in the cited Sakaguchi excerpt which even *hints* at the
11 ability of an intended recipient to read an email message at anything other than an
12 individual storage location that is dedicated to that particular intended recipient.
13 For at least this reason, claim 26 is allowable.

14 In addition, with respect to those claims that are rejected in further view of
15 Mullan, that reference is not seen to add anything of significance given the
16 allowability of claim 24.

17 Claims 34-39

18 As amended, **Claim 34** recites an email screening method comprising
19 [emphasis added]:

- 20 • developing a profile of unsolicited commercial email based upon
21 the size of an email message and the number of specified
22 recipient addresses of the email message;
- 23 • configuring a mail server that is responsible for storing and
24 distributing email messages to a plurality of clients with a filter
25 processor that is programmed to evaluate email messages that are
received in light of the developed profile, the mail server
comprising part of a web-based email system in which, for at
least some users of the system, a client user interface email
environment is generated through use of HTML or web pages
that are sent to client devices;

- evaluating email messages with the filter processor and determining whether the email messages fit the developed profile; and
- if an email message fits the developed profile, initiating a remedial measure that ensures that the mail server *does not make as many copies of the email message as there are specified recipient addresses, yet still allows the email message to be accessible to at least one recipient.*

This claim has been amended to clarify that the act of initiating a remedial measure comprises ensuring that the mail server does not make as many copies of the email message as there are specified recipient addresses, *yet still allows the email message to be accessible to at least one recipient.* Support for this feature is provided in the Abstract, particularly lines 13-15.

In making out the rejection of this claim, the Office argues that the combination of Cobb and Stockwell discloses an email screening method as recited but does not disclose Applicant's remedial measure feature. The Office then relies on Paul for this feature.

In view of the amendment of this claim which clarifies that the remedial measure ensures that the mail server *still allows the email message to be accessible to at least one recipient*, Applicant respectfully traverses the Office's rejection. None of the references cited by the Office disclose or suggest an email screening method in which a remedial measure is initiated that ensures that the mail server *does not make as many copies of the email message as there are specified recipient addresses, yet still allows the email message to be accessible to at least one recipient.* Rather, Paul's remedial measure appears to delete the e-

1 mail messages that do not satisfy any of the heuristic criteria so that they are
2 *inaccessible* to any of the recipients. As such, Paul *teaches directly away* from
3 Applicant's remedial measure feature. Accordingly, for at least this reason, this
4 claim is allowable.

5 **Claims 35-39** depend either directly or indirectly from claim 34 and are
6 allowable as depending from an allowable base claim. These claims are also
7 allowable for their own recited features which, in combination with those recited
8 in claim 34, are neither disclosed nor taught by the references of record, either
9 singly or in combination with one another.

10
11 For example, **claim 35** recites that the remedial measure comprises storing
12 one copy of the email message at a server storage location, *instead of storing*
13 *multiple copies of the email message for the specified recipient addresses*. The
14 Office argues that Cobb teaches this feature and cites to column 3, lines 36-38 in
15 support. That excerpt is provided below:

16
17 For this reason, most filter designs take a different approach and move
18 suspected junk messages to a temporary or miscellaneous holding category
19 for review by the *recipient* before deletion.

20 This excerpt does not teach a remedial measure which stores one copy of
21 the email message at a server storage location, *instead of storing multiple copies*
22 *of the email message for the specified recipient addresses*. Here, Cobb simply
23 discusses moving email messages to a special holding category for review by a
24 *single recipient*. There is nothing to indicate that this is in *any* way a remedial
25

1 measure that stores *one copy* of the email as opposed to storing multiple copies for
2 the multiple recipients. For at least this reason, claim 35 is allowable.

3 Likewise, **claim 36** recites that the remedial measure comprises storing *one*
4 *copy* of the email message at a server storage location, *instead of storing multiple*
5 *copies* of the email message for the specified recipient addresses, and *notifying*
6 *intended recipients* that an email message intended for them has been stored at the
7 server storage location. In rejecting this claim, the Office argues that Sakaguchi's
8 column 8, lines 31-34, teaches storing one copy of the email message at a server
9 storage location, instead of storing multiple copies of the email message for the
10 specified recipient addresses. This excerpt is reproduced below:

11 . . . a method of sorting electronic mail into estimated junk electronic
12 mail and estimated non-junk electronic mail and adding them to their
13 respective storage units (not shown) . . .

14 The Applicant respectfully maintains that this teaching falls *far short* of the
15 mark. There is no indication that Sakaguchi even *contemplates* a method in which
16 only *one copy* of the email message is stored at a server storage location, *instead*
17 *of multiple copies* of the email message being stored for the specified recipient
18 addresses.

19 The Office also argues that Sakaguchi, in column 8, lines 22-26, teaches
20 notifying intended recipients that an email message intended for them has been
21 stored at the server location. The excerpt is as follows:

22 Further, in the embodiment, the determination result of the junk
23 electronic mail determination processing section 2 is also fed into a
24 determination result notification section 12, which enables the user
25 to specify a notification method to the receiving person separately
for estimated junk electronic mail and estimated non-junk electronic
mail as he or she desires.

1 While Sakaguchi does provide for *some* type of notification, it does not
2 provide for notifying intended recipients that an email message intended for them
3 has been stored at the server location, where *only one copy* of the email message is
4 stored at a server storage location, *instead of multiple copies* of the email message
5 being stored for the specified recipient addresses

6 For at least these reasons, claim 36 is allowable.

7 In addition, with respect to those claims that are rejected in further view of
8 Guck, that reference is not seen to add anything of significance given the
9 allowability of claim 34.
10

11 Claims 40-41

12 **Claim 40** recites an email delivery method comprising [emphasis added]:

- 13 • establishing a bulk email folder in which bulk email is to be
14 stored;
- 15 • configuring an email server to receive email messages and
16 deliver them *either* to multiple server storage locations that
17 are dedicated to storing email messages for respective
18 recipients *or to a single, shared location that can be shared*
19 *by a plurality of the recipients*, the email server comprising
20 part of an email system in which, for at least some users of
21 the system, a client user interface email environment is
22 generated through use of HTML or web pages that are sent to
23 client devices;
- 24 • receiving an email message;
- 25 • comparing an address for the sender of the email message
with a recipient's list of approved senders; and
- *delivering the email message to the single, shared location*
if: (a) the email message is not directly addressed to a
recipient that is serviced by the server, and (b) the sender's
address does not appear in the recipient's list of approved
senders.

1 In making out the rejection of this claim, the Office argues that the
2 combination of Cobb, Stockwell '942, and Sakaguchi discloses an email delivery
3 method as recited but does not disclose configuring an email server to receive
4 email messages and deliver them *either* to multiple server storage locations that
5 are dedicated to storing email messages for respective recipients *or to a single,*
6 *shared location that can be shared by a plurality of the recipients.* The Office
7 again looks to Paul for the missing features.

8
9 Applicant respectfully traverses the Office's rejection. There is no
10 indication that Paul, or any other reference cited by the Office, teaches or suggests
11 an email server configured to receive email messages and deliver them *either* to
12 multiple server storage locations that are dedicated to storing email messages for
13 respective recipients *or to a single, shared location that can be shared by a*
14 *plurality of the recipients.* Rather, Paul discloses an email server configured to
15 receive email messages, mark them with a display code, and deliver them to *each*
16 *user's* terminal. Therefore, Paul's email server is configured to deliver email
17 messages *only* to multiple storage locations that are dedicated to storing email
18 messages for respective recipients. As such, Paul teaches *directly away* from
19 Applicant's claimed delivery feature, which also allows messages to be delivered
20 to a single, shared location. Accordingly, for at least these reasons, this claim is
21 allowable.
22

23 **Claim 41** depends from claim 40 and is allowable as depending from an
24 allowable base claim. This claim is also allowable for its own recited features
25

1 which, in combination with those recited in claim 40, are neither disclosed nor
2 taught by the references of record, either singly or in combination with one
3 another.

4
5 **Claim 42**

6 **Claim 42** recites an email screening method comprising [emphasis added]:

- 7
- 8 • developing a profile of unwanted email messages based upon
9 whether an email message is similar in content to another email
10 message;
 - 11 • configuring a mail server that is responsible for storing email
12 messages for a plurality of clients with a filter processor that is
13 programmed to evaluate email messages that are received in light
14 of the developed profile, the mail server comprising part of an
15 email system in which, for at least some users of the system, a
16 client user interface email environment is generated through use
17 of HTML or web pages that are sent to client devices;
 - 18 • evaluating email messages with the filter processor and
19 determining whether the email message fits the developed
20 profile; and
 - 21 • if the email message fits the developed profile, *placing a copy of
22 the email message in a first location and, rather than placing
23 multiple copies of the email message in multiple dedicated
24 client storage locations, notifying the multiple clients that an
25 email message addressed to them has been received* so that the
clients can read the email message if they so desire.

19 In making out the rejection of this claim, the Office argues that the
20 combination of Cobb and Sakaguchi discloses an email screening method as
21 recited but does not disclose, if the email message fits the developed profile,
22 *placing a copy of the email message in a first location and, rather than placing*
23 *multiple copies of the email message in multiple dedicated client storage*
24 *locations, notifying the multiple clients that an email message addressed to them*

1 *has been received.* The Office again cites to column 7, lines 15-25, 36-50, and
2 column 7, lines 63 through column 8, line 4, of Paul for the missing features. That
3 except was set forth previously.

4 Applicant respectfully traverses the Office's rejection. There is no
5 indication that Paul, or any other reference cited by the Office, teaches or suggests
6 that, if the email message fits the developed profile, placing a copy of the email
7 message in a first location and, *rather than placing multiple copies of the email*
8 *message in multiple dedicated client storage locations*, notifying the multiple
9 clients that an email message addressed to them has been received. As discussed
10 previously, Paul appears to teach placing *multiple copies* of an email message in
11 *multiple dedicated storage locations* or, in another embodiment, deleting the
12 email message *without notifying* the recipients that an email message addressed to
13 them has been received. Therefore, Paul *teaches directly away* from Applicant's
14 claimed delivery feature. Accordingly, for at least this reason, this claim is
15 allowable.
16
17
18

19 **Claims 43-47**

20 **Claim 43** recites an email screening method comprising [emphasis added]:

- 21
- 22 • defining an index having values that are assigned to various
23 degrees of desirability that an email message can have, wherein
24 the degrees of desirability extend from a low degree of
25 desirability to a high degree of desirability;
 - associating a plurality of parameters having parameter values
with the various degrees of desirability, wherein at least some of

1 the parameters do not depend on any message that is conveyed
2 by any content of an email message; and

- 3 • establishing a *user interface* through which a *user can adjust*
4 *either (a) individual parameter values* that, in turn, establish a
5 degree of desirability, *or (b) index values* that themselves
6 establish a degree of desirability that email messages must have
7 in order to be saved to dedicated user storage locations; and
- 8 • evaluating, using a computing device comprising part of an email
9 system in which, for at least some users of the system, a client
10 user interface email environment is generated through use of
11 HTML or web pages that are sent to client devices, incoming
12 email messages against the index value that is defined by the
13 user.

14 In rejecting this claim, the Office cites column 6, lines 28-29, of Sakaguchi
15 and argues that it teaches establishing a user interface through which a user can
16 adjust individual parameter values that, in turn, establish a degree of desirability.

17 This excerpt is reproduced below:

18 The user can also see the data stored in the estimated junk electronic
19 mail storage section 6 . . .

20 Applicant respectfully submits that Sakaguchi does not teach or
21 suggest Applicant's claimed features. The excerpt states that a user can see
22 electronic mail that is estimated junk mail. Later in column 6, Sakaguchi
23 states that a user can specify the electronic mail to be learnt in
24 exemplification through the input section 1. Sakaguchi's system then
25 automatically generates and stores a junk electronic mail determination
condition. The junk electronic mail determination condition is then used to
determine whether or not received electronic mail is junk. Applicant cannot
find *anything* in Sakaguchi that teaches or suggests establishing a *user*

1 *interface* through which a *user can adjust either (a) individual parameter*
2 *values* that, in turn, establish a degree of desirability, *or (b) index values*
3 that themselves establish a degree of desirability that email messages must
4 have in order to be saved to dedicated user storage locations. Rather,
5 Sakaguchi's user simply supplies an *example* of junk mail to the system
6 which then *automatically generates* a junk electronic mail determination
7 condition. In such a system, the user is not adjusting either individual
8 parameter values *or* index values, as Applicant uses those terms.
9

10 In addition, the Office cites column 17, lines 40-41, of Cobb and argues
11 that Cobb teaches establishing a user interface through which a user can adjust
12 index values. This excerpt is provided below:
13

14 Various heuristics can be applied to an email address to determine if
15 it is valid . . .

16 This excerpt also does not disclose Applicant's claimed features. Applicant
17 can find nothing in Cobb which teaches or suggests establishing a user interface
18 through which a *user can adjust either (a) individual parameter values* that, in
19 turn, establish a degree of desirability, *or (b) index values* that themselves
20 establish a degree of desirability that email messages must have in order to be
21 saved to dedicated user storage locations. Neither can Applicant find this teaching
22 in Stockwell' 942. For at least these reasons, this claim is allowable.
23

24 **Claims 44-47** depend from claim 43 and are allowable as depending from
25 an allowable base claim. These claims are also allowable for their own recited

1 features which, in combination with those recited in claim 43, are neither disclosed
2 nor taught by the references of record, either singly or in combination with one
3 another.

4 In addition, with respect to those claims that are rejected in further view of
5 Stockwell '942, that reference is not seen to add anything of significance given the
6 allowability of this claim.

7
8 **Claims 48-52**

9
10 **Claim 48** recites an email server system comprising [emphasis added]:

- 11
- 12 • a user storage database configured to store user information
including email messages that are intended for individual users;
and
 - 13 • a server configured to receive email messages that are intended
for various users and store the email messages in dedicated user
14 storage locations within the user storage database;
 - 15 • wherein the server is further configured to screen email messages
based upon a set of heuristics that determine whether an email
16 message likely constitutes an unwanted email message, the server
further being configured to *place a single copy of an email
17 message in a storage location that is not a dedicated user
storage location* if it is determined by screening the email
18 message that it likely constitutes an unwanted email message,
said system comprising an Internet-based system that is
19 configured to send email messages to users in a format in which
a user's browser application processes the email messages and
20 provides a user interface for a user to view the email messages.

21 In making out the rejection of this claim, the Office argues that Paul
22 discloses placing a single copy of an email message in a storage location that is
23 not a dedicated user storage location if it is determined by screening the email
24 message that it likely constitutes an unwanted email message. The Office cites to
25

1 the same portions of Paul as it has done in the rejection of every other independent
2 claim. That excerpt was set forth previously in the discussion of claim 1.

3 Applicant respectfully traverses the Office's rejection. There is no
4 indication that Paul, or any other reference cited by the Office, teaches or suggests
5 placing a *single copy* of an email message in a storage location that is *not a*
6 *dedicated user storage location* if it is determined by screening the email message
7 that it likely constitutes an unwanted email message. Rather, Paul discloses a
8 method in which e-mail is marked with various display codes and then forwarded
9 on to *each user's* terminal. Therefore, Paul appears to forward each e-mail to
10 multiple locations that *are* dedicated user storage locations. As such, Paul *teaches*
11 *directly away* from Applicant's claimed subject matter. Accordingly, for at least
12 this reason, this claim is allowable.
13

14 **Claims 49-52** depend from claim 48 and are allowable as depending from
15 an allowable base claim. These claims are also allowable for their own recited
16 features which, in combination with those recited in claim 48, are neither disclosed
17 nor taught by the references of record, either singly or in combination with one
18 another.
19

20 **Claim 51** serves as a good example. Claim 51 recites that the set of
21 heuristics *considers the number* of invalid specified user addresses that are
22 specified by an email message. The Office cites to column 10, lines 37-38, of
23 Mullan in its rejection of this claim. That excerpt refers to Mullan's claim 5, which
24
25

1 is dependent on claim 2, which in turn is dependent on claim 1. All three claims
2 are set forth below for the Office's convenience:

3 1. *A method for routing a message* encoded in a signal received by
4 an electronic messaging system, the electronic messaging system
5 including a data store of routing information, the message containing
6 a user address having a plurality of address codes, the method
7 comprising:

8 (a) setting a search level indicator according to a number of address
9 codes in the user address;

10 (b) attempting to retrieve routing information associated with the
11 plurality of address codes in the user address;

12 (c) eliminating one of the plurality of address codes from the user
13 address if no routing information is retrieved;

14 (d) repeating steps (a) through (c) until routing information is
15 successfully retrieved or the search level indicator equals a
16 predetermined base level; and

17 (e) in the event routing information is successfully retrieved, routing
18 the message according to said routing information.

19 2. The method of claim 1 wherein the one of the plurality of address
20 codes eliminated from the user address corresponds to a most
21 specific level of address information contained in the user address.

22 5. The method of claim 2 further comprising the step of *indicating*
23 an invalid user address if no routing information is retrieved within
24 the predetermined number of attempts.

25 As is clear from Mullan's claims, Mullan discloses a method for *routing* a
message. Mullan's claim 5, which the Office specifically cites, deals with
indicating an invalid user address in the process of trying to route the message. On
the other hand, Applicant's claim 51 discloses a server configured to *screen* email
messages based upon a set of heuristics that determine whether an email message

1 likely constitutes an unwanted email message. The set of heuristics *considers the*
2 *number* of invalid specified user addresses that are specified by an email message.
3 A server, configured to screen email messages by use of a heuristic which
4 considers the number of invalid specified user addresses is quite different than a
5 method of routing messages which merely *indicates* an invalid user address. For at
6 least this reason, claim 51 is allowable.

7 In addition, with respect to those claims that are rejected in further view of
8 Stockwell '942 and Cobb, those references are not seen to add anything of
9 significance given the allowability of claim 48.
10

11 Claims 53-57

12 **Claim 53** recites an email filtering method comprising [emphasis added]:

- 13 • defining at least one heuristic that determines whether an incoming
14 email message likely constitutes unsolicited commercial email by
15 considering an established pattern that such unsolicited commercial
16 email typically exhibits when it is sent;
- 17 • applying said at least one heuristic to at least one email message; and
- 18 • redirecting said at least one email message if application of said at
19 least one heuristic indicates that said at least one email message
20 likely constitutes unsolicited commercial email, wherein said
21 redirecting comprises *placing a copy of the email message at a*
22 *location not dedicated to storage of just one particular user's*
23 *email.*

24 In making out the rejection of this claim, the Office argues that Paul
25 discloses placing a copy of an email message at a location not dedicated to storage
of just one particular user's email. Again, the Office cites to the same portions of
Paul to support its argument.

1 Applicant respectfully traverses the Office's rejection. There is no
2 indication that Paul, or any other reference cited by the Office, teaches or suggests
3 placing a copy of an email message at a location *not dedicated to storage of just*
4 *one particular user's email*. As discussed previously, Paul *teaches directly away*
5 from Applicant's claimed redirection feature by marking e-mail with various
6 display codes and then forwarding them on to multiple locations that *are* dedicated
7 to storage of just one particular user's email. Accordingly, for at least this reason,
8 this claim is allowable.

9 **Claims 54-63** depend from claim 53 and are allowable as depending from
10 an allowable base claim. These claims are also allowable for their own recited
11 features which, in combination with those recited in claim 53, are neither disclosed
12 nor taught by the references of record, either singly or in combination with one
13 another.

14 **Claim 54** serves as an illustrative example. Claim 54 recites that the act of
15 redirecting comprises placing a copy of the email message at a *single location*
16 *from which it can be accessed by more than one intended recipient* of the email
17 message. In rejecting this claim, the Office cites to Cobb, column 3, lines 36-38,
18 which is reproduced below:

19 The *user terminal* software system of Fig. 1 further includes an e-
20 mail storage database 106 that receives and stores incoming e-mail
21 and stores records of outgoing e-mail.

22 In this excerpt, Cobb refers to a location accessible by *only* the intended
23 recipient. As such, Cobb *teaches directly away* from Applicant's claimed feature.
24 For at least this reason, claim 54 is allowable.
25

1 Another example is **claim 58**. Claim 58 recites that the *pattern is*
2 *associated with the number of invalid specified recipient addresses*. The Office
3 cites to column 10, lines 37-38, of Mullan in its rejection of this claim. That
4 excerpt refers to Mullan's claim 5, which is dependent on claim 2, which in turn is
5 dependent on claim 1. All three claims were set forth above in the discussion of
6 claim 51 and are not repeated here.

7 As is clear from Mullan's claims, Mullan discloses a method for *routing* a
8 message. Mullan's claim 5, which the Office specifically cites, deals with
9 *indicating* an invalid user address in the process of trying to route the message. On
10 the other hand, Applicant's claim 58 recites an email filtering method which
11 defines at least one heuristic that determines whether an incoming email message
12 likely constitutes unsolicited commercial email by considering an established
13 pattern that such unsolicited commercial email typically exhibits when it is sent.
14 This pattern is associated with the *number* of invalid specified recipient addresses.
15 This email filtering method is very different from a method which simply
16 *indicates* an invalid user address in the process of trying to *route* a message. For at
17 least this reason, claim 58 is allowable.

18 Yet another example is **claim 62**. Claim 62 recites that the act of redirecting
19 comprises redirecting at least one email message to a location that can be *shared*
20 *by a plurality of intended recipients* for reading said email message. This claim
21 further recites notifying intended recipients of the email message that an email
22 message intended for them has been redirected to the location. The Office cites
23 column 8, lines 31-34, of Sakaguchi in rejecting this claim. Sakaguchi's excerpt is
24 set forth below:
25

1 . . . a method of sorting electronic mail into estimated junk electronic
2 mail and estimated non-junk electronic mail and adding them to their
3 respective storage units (not shown) . . .

4 There is nothing in this excerpt, or anywhere else in Sakaguchi to indicate
5 that email is redirected to a location that can be *shared by a plurality of intended*
6 *recipients*. For at least this reason, claim 62 is allowable.

7 Moreover, **claim 63** recites that the act of redirecting comprises storing
8 *only one copy* of the email message. The Office turns to Sakaguchi for this
9 teaching, specifically column 2, lines 3-4, and column 8, lines 31-34. These
10 excerpts are reproduced below:

11 . . . if the electronic mail piece is determined junk, storing it in an
12 estimated junk electronic mail storage section . . .

13 . . . a method of sorting electronic mail into estimated junk electronic
14 mail and estimated non-junk electronic mail and adding them to their
15 respective storage units (not shown) . . .

16 The Applicant respectfully submits that there is no indication that
17 Sakaguchi even *contemplates* a method in which redirecting comprises placing a
18 copy of the email message at a location *not dedicated* to storage of just one
19 particular user's email and storing *only one copy* of the email message. Sakaguchi
20 appears to store messages at one of two locations, both of which *are dedicated* to
21 storage of just one particular user's email. Therefore, Sakaguchi stores *multiple*
22 *copies* of an e-mail message if the message is addressed to multiple recipients. For
23 at least this reason, claim 63 is allowable.
24
25

1 In addition, with respect to those claims that are rejected in further view of
2 Stockwell '942 those references are not seen to add anything of significance given
3 the allowability of claim 53.

4
5 **Claims 64-70**

6 **Claim 64** recites an email filtering method comprising [emphasis added]:

- 7
- 8 • receiving an email message at an email server that maintains inboxes
9 for individual recipients;
 - 10 • calculating a score for the email message at the server location based
11 upon at least one of (a) the size of the email message, and (b) the
12 number of specified recipient addresses;
 - 13 • comparing the score with a threshold value that defines a likelihood
14 of whether an email message constitutes an unwanted email
15 message;
 - 16 • responsive to the email message exceeding the threshold value,
17 *placing a copy of the email message at a first location other than*
18 *an individual storage location dedicated to an individual intended*
19 *recipient of the email message;* and
 - 20 • sending a notification to the intended recipients that a copy of an
21 email message that was intended for them has been placed at the first
22 location.

23 In making out the rejection of this claim, the Office argues that the
24 combination of Cobb, Stockwell '942, and Sakaguchi teach the recited subject
25 matter except for placing a copy of the email message at a first location other than
an individual storage location dedicated to an individual intended recipient of the
email message. The Office then argues that Paul teaches the missing feature and
cites to the same excerpt that was reproduced earlier.

Applicant respectfully traverses the Office's rejection. Paul in no way
teaches or suggests placing a copy of the email message at a first location *other*
than an individual storage location dedicated to an individual intended recipient

1 *of the email message.* In fact, Paul *teaches directly away* from Applicant's
2 claimed subject matter by marking e-mail with one of several display codes and
3 then forwarding the email to *each user's* terminal, an individual storage location
4 that *is dedicated* to an individual intended recipient of the e-mail message.
5 Accordingly, for at least this reason, this claim is allowable.

6 **Claims 65-70** depend from claim 64 and are allowable as depending from
7 an allowable base claim. These claims are also allowable for their own recited
8 features which, in combination with those recited in claim 64, are neither disclosed
9 nor taught by the references of record, either singly or in combination with one
10 another.

11 For example, **claim 68** recites that the threshold value is based upon the
12 *number* of invalid specified recipient addresses. Again, the Office cites Mullan,
13 column 10, lines 37-38, as disclosing something other than simply *indicating* an
14 invalid user address in the process of trying to route the message. Applicant
15 respectfully submits that the Office has *mischaracterized* Mullan. Mullan does not
16 even teach *counting* the number of invalid specified recipient addresses. Mullan
17 simply *indicates* that a specific address is in fact invalid. This is a far cry from
18 Applicant's use of the *number* of invalid specified recipient addresses as a basis
19 for a *threshold value* that defines a likelihood of whether an email message
20 constitutes an unwanted email message. For at least this reason, claim 68 is
21 allowable. In addition, with respect to those claims that are rejected in further
22 view of Guck those references are not seen to add anything of significance given
23 the allowability of claim 64.
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10/31/03

by: Lance R. Sadler
Reg. No. 38,605

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